vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2920 OF 2004
IN
SUIT NO.1750 OF 1986

Vidyasagar Murlidhar Aggarwal ... Plaintiff

V/s.

M/s.Malhotra Textiles ... Defendant

Mr.Bharat Vaishnawa for Plaintiff
None for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 22, 2006**

P.C.:

. The Plaintiff has filed the present Motion for setting aside the order dismissing the suit. This order is passed on 5.8.2004. The Motion has been taken out soon thereafter.

2. The Motion has been served on the Defendant. However, nobody appears for the Defendant. An affidavit of service is filed.

3. The reason given in the affidavit in support of the Motion for the absence of the Plaintiff is that his advocate was engaged in another Court. The Plaintiff has not explained satisfactorily why he was absent. In order that no prejudice be caused to the parties, the Suit is restored to file subject to payment of costs of Rs.5,000/- within two weeks from today to the Maharashtra State Legal Services Authority.

4. The Plaintiff to give notice to the Defendant that the Suit is restored to file.